

REMARKS

The Office Action mailed on March 2, 2010, has been received and its contents carefully considered. A Petition for One-Month Extension of Time is submitted herewith.

Claims 1-6 are pending in this application. By this Amendment, claims 1-4 are amended. Claims 5 and 6 are withdrawn as directed to nonelected subject matter. Claims 1, 3, 5 and 6 are independent. Reconsideration of this application in view of the above amendments and the following remarks respectfully is requested.

The Examiner has rejected claims 1-4 for obviousness-type double patenting and asserts that these claims recite subject matter similar in scope to various U.S. patent applications listed in the Office Action. However, it respectfully is submitted that, in view of the above amendments, claims 1-4 recite subject matter substantially differing in scope from the U.S. patent applications referenced by the Examiner. Thus, it respectfully is submitted that the above-noted rejections for obviousness-type double patenting be withdrawn.

The Examiner has rejected claims 1 and 3 under 35 U.S.C. §112, second paragraph as being indefinite. These claims are amended to overcome this rejection. Accordingly, withdrawal of the pending rejection under §112 respectfully is requested.

The Examiner has rejected claims 1-4 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,104,704 to Buhler et al. (hereinafter "*Buhler*"). However, *Buhler* fails to teach or to suggest the combination of all of the features recited in the pending claims, as amended.

Claim 1 recites, among other features, a management information storage for storing broadband communication management information indicative of whether or not end voice terminals are capable of predetermined broadband voice communication, and a creator for selecting a target end voice terminal among the end voice terminals on the basis of the broadband communication management information. As discussed by way of example in paragraph [0033] of the disclosure of this application, it is the capability of an IP telephone adapter of implementing broadband voice communication that may determine the availability of broadband voice communication.

In contrast, *Buhler* only teaches, as discussed in col. 4, lines 50-63 of that reference, selection of voice call characteristics based on the billing charges for such call characteristics. The user thus selects call characteristics based on a willingness to pay for services provided alone. The capabilities of the hardware involved are not relevant to this determination by the user.

Therefore, *Buhler* fails to teach or to suggest a management information storage for storing broadband communication management information indicative of whether or not end voice terminals are capable of predetermined broadband voice communication, and a creator for selecting a target end voice terminal among the end voice terminals on the basis of the broadband communication management information.

In view of the above, the applied reference fails to teach or to suggest the combination of all of the features recited in claim 1, as amended. Claim 3 recites

features similar to those recited in claim 1, and is patentably distinct over the applied references for the reasons given above with respect to the patentability of claim 1. Claims 2 and 4 are also allowable, at least for their dependence on allowable claims 1 and 3, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the pending rejection under §103 respectfully are requested.

It therefore is submitted that this application is in condition for allowance and such a Notice, with allowed claims 1-4, earnestly is solicited.

Should the Examiner feel that a conference would help to expedite the prosecution of this application, the Examiner is hereby invited to contact the undersigned counsel to arrange for such an interview.

An extension fee is submitted herewith. However, should any additional fee be required, the Commissioner is hereby authorized to charge the fee to our Deposit Account No. 18-0002, and requested to advise us accordingly.

Respectfully submitted,

June 11, 2010
Date



Steven M. Rabin – Reg. No. 29,102
RABIN & BERDO, PC – Cust. No. 23995
Facsimile: 202-408-0924
Telephone: 202-371-8976

SMR/ARK/pq

AMENDMENT

10/579,677